

RETURN DATE: DECEMBER 12, 2017

CHESEBRO, ZACHARY : SUPERIOR COURT

V. : J.D. OF NEW LONDON
: AT NEW LONDON

THIELMAN, SOPHIA,
THIELMAN, MELINDA AND
CONNECTICUT COLLEGE : NOVEMBER 14, 2017

COMPLAINT

FIRST COUNT: (Negligence as to Defendants Sophia Thielman and Melinda Thielman)

1. On or about November 22, 2016, the Plaintiff, Zachary Chesebro, was the operator of a moped traveling on Mohegan Avenue in New London, Connecticut.

2. On said date and at said time, the Defendant, Sophia Thielman, was the operator of a motor vehicle traveling behind the Plaintiff's moped on said Mohegan Avenue in New London, Connecticut.

3. On said date and at said time, the Defendant, Sophia Thielman, suddenly and without warning drove her motor vehicle directly into the rear of the Plaintiff's moped, causing a collision.

4. At all times mentioned herein, the motor vehicle being operated by the Defendant, Sophia Thielman, was owned by the Defendant, Melinda Thielman.

5. At all times mentioned herein, the Defendant, Sophia Thielman, was operating said motor vehicle with the knowledge and permission of its owner.

6. Said collision and resulting injuries and damages to the Plaintiff were caused by the negligence, carelessness and statutory violations of the Defendant, Sophia Thielman, in one or more of the following ways, in that she:

- a. Violated Section 14-240 of the Connecticut General Statutes by failing to drive a reasonable distance from other vehicles;
- b. Violated Section 14-218a of the Connecticut General Statutes by operating a motor vehicle at an unreasonable rate of speed having due regard for the width, traffic and use of said highway and the conditions then existing;
- c. Violated Section §14-227a(a) of the Connecticut General Statutes by operating a motor vehicle while under the influence of and/or impaired by liquor and/or drugs;
- d. Violated Section §14-227g of the Connecticut General Statutes by operating a motor vehicle while under the influence of and/or impaired by liquor and/or drugs while under the age of 21;
- e. Violated Section 14-296a of the Connecticut General Statutes by operating a cell phone or an electronic device while operating a motor vehicle;
- f. Violated Section 14-80h of the Connecticut General Statutes by failing to equip or maintain a motor vehicle with adequate brakes;
- g. Violated Section 14-98a of the Connecticut General Statutes by operating a motor vehicle with unsafe tires;

- h. Failed to drive a reasonable distance from other vehicles;
- i. Operated her vehicle at a high rate of speed without due regard for the width, traffic, and use of the roadway and the conditions then and there existing;
- j. Operated a motor vehicle while impaired or incapacitated from consuming or using alcohol and/or drugs;
- k. Operated a motor vehicle while impaired or incapacitated from consuming or using alcohol and/or drugs while under the age of 21;
- l. Failed to have and keep her motor vehicle under reasonable speed and proper control;
- m. Traveled at a rate of speed greater than the established speed limit;
- n. Operated an electronic device while operating a motor vehicle;
- o. Failed to equip or maintain the motor vehicle with adequate brakes;
- p. Operated her vehicle with unsafe tires;
- q. Failed to apply her brakes in a timely manner or otherwise turn her vehicle so as to avoid a collision;
- r. Failed to keep a proper lookout; and
- s. Failed to make proper use of her faculties and senses so as to avoid a collision.

7. As a result of the negligence, carelessness and statutory violations of the Defendant, Sophia Thielman, the Plaintiff sustained severe and permanent injuries to his body, including, but not limited to, quadriplegia, C6-7 retrolisthesis with spinal cord

injury, C6 right transverse process vertebral foramen and right lamina fracture, C7 spinous process fracture, C6-C7 distraction injury, spinal cord contusion at C4-T1 with intramedullary hemorrhage, epidural hematoma, right hemi-LeFort I fracture, left hemi-LeFort II Fracture, left orbital fracture, right anterior and medial maxillary wall fractures, closed maxillary sinus fracture, grade 2 splenic laceration, grade 2 laceration to the liver, grade 2 pancreatic head/neck injury, comminuted fractures of the left and right nasal bones and nasal bridge, left first rib fracture, left pneumothorax, multiple facial bone fractures, forehead degloving and laceration, and multiple contusions and abrasions. As a result of these injuries, the Plaintiff was required to undergo emergency medical care and treatment, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, and diagnostic studies including x-rays, CT scans and MRIs. The Plaintiff was also hospitalized and required to undergo multiple surgeries, including, but not limited to, C4-T2 posterior fusion and reduction of C6-C7 distraction injury, right LeFort I open reduction internal fixation surgery, left LeFort II open reduction internal fixation surgery, tracheostomy, nasal sinus endoscopy with maxillary antrostomy and maxillary tissue removal, intraoperative cholangiogram, open cholecystectomy and left tube thoracostomy. The Plaintiff's injuries are likely permanent

THE REARDON LAW FIRM, P.C.

Attorneys at Law

160 Hempstead Street • P.O. Drawer 1430 • New London, CT 06320 • Tel. (860) 442-0444 • Juris No. 102515

in nature and will require additional medical care and treatment in the future.

Furthermore, the Plaintiff suffered and will in the future continue to suffer great physical and mental pain, and has been and will in the future be unable to participate in many of the activities in which he engaged prior to said collision.

8. As a further result of the negligence, carelessness and statutory violations of the Defendant, Sophia Thielman, the Plaintiff was required to spend various sums of money for emergency medical care and treatment, surgery, hospitalization, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, diagnostic studies including x-rays, CT scans and MRIs and prescription medications and devices and will be obliged to spend further additional sums in the future for like services, all to his loss and damage.

9. As a further result of the negligence, carelessness and statutory violations of the Defendant, Sophia Thielman, the Plaintiff suffers an increased risk of future harm in that he has a greater susceptibility to further injury from trauma that may occur along with accompanying anxiety and fear in that regard.

10. As a further result of the negligence, carelessness and statutory violations of the Defendant, Sophia Thielman, the Plaintiff sustained permanent and disfiguring

scarring which has caused and will in the future continue to cause him great humiliation and embarrassment.

11. At all times mentioned herein, the Plaintiff was gainfully employed and as a further result of said incident and the injuries resulting therefrom the Plaintiff suffered economic loss in the form of past and future lost wages.

SECOND COUNT: **(Recklessness pursuant to Connecticut General Statutes § 14-295 as to Defendant Sophia Thielman)**

1-3. Paragraphs One (1) through Three (3) of the First Count are hereby incorporated as Paragraphs One (1) through Three (3) of this the Second Count as if more fully set forth herein.

4. Said collisions and resulting injuries and damages to the Plaintiff were caused by the reckless conduct and statutory violations of the Defendant, Sophia Thielman, in one or more of the following ways, in that she:

- a. Violated §14-227a of the Connecticut General Statutes by operating her motor vehicle while under the influence of alcohol and/or drugs at a high rate of speed, yet chose to proceed anyway when she knew of the risk and extreme danger said conduct posed to others, including the Plaintiff;
- b. Violated §14-227g of the Connecticut General Statutes by operating her motor vehicle while under the influence of alcohol and/or drugs while under the age of 21 at a high rate of speed, yet chose to proceed anyway when she knew of the risk and extreme danger said conduct posed to others, including the Plaintiff;

- c. Violated Section 14-218a of the Connecticut General Statutes by operating her motor vehicle with conscious disregard for the safety of others, including the Plaintiff, by accelerating her motor vehicle to a speed of 87 miles per hour in an area with a posted speed limit of 45 miles per hour towards a moped driving in front of her, while under the influence of alcohol and/or drugs, yet chose to proceed anyway when she knew or should have known of the risk and extreme danger said conduct posed to others, including the Plaintiff;
- d. Violated Section 14-218a of the Connecticut General Statutes by operating her motor vehicle with conscious disregard for the safety of others, including the Plaintiff, by accelerating her motor vehicle to a speed of 87 miles per hour in an area with a posted speed limit of 45 miles per hour towards a moped driving in front of her, yet chose to proceed anyway when she knew or should have known of the risk and extreme danger said conduct posed to others, including the Plaintiff; and
- e. Violated Section 14-222 of the Connecticut General Statutes by operating her motor vehicle in a reckless and dangerous manner without having due regard to the width, traffic, and use of the roadway by choosing to look away from the road to operate a cellular telephone, and/or other electronic device in her hand knowing she was driving towards a moped at a high rate of speed while under the influence of alcohol and/or drugs, yet chose to proceed anyway placing the Plaintiff in extreme danger.

5. Said reckless conduct and statutory violations were in violation of Connecticut General Statutes §14-295 and were a substantial factor in causing said collision and the Plaintiff's injuries and damages that resulted therefrom.

6. As a result of the reckless conduct and statutory violations of the Defendant, Sophia Thielman, the Plaintiff sustained severe and permanent injuries to his body, including, but not limited to, quadriplegia, C6-7 retrolisthesis with spinal cord

injury, C6 right transverse process vertebral foramen and right lamina fracture, C7 spinous process fracture, C6-C7 distraction injury, spinal cord contusion at C4-T1 with intramedullary hemorrhage, epidural hematoma, right hemi-LeFort I fracture, left hemi-LeFort II Fracture, left orbital fracture, right anterior and medial maxillary wall fractures, closed maxillary sinus fracture, grade 2 splenic laceration, grade 2 laceration to the liver, grade 2 pancreatic head/neck injury, comminuted fractures of the left and right nasal bones and nasal bridge, left first rib fracture, left pneumothorax, multiple facial bone fractures, forehead degloving and laceration, and multiple contusions and abrasions. As a result of these injuries, the Plaintiff was required to undergo emergency medical care and treatment, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, and diagnostic studies including x-rays, CT scans and MRIs. The Plaintiff was also hospitalized and required to undergo multiple surgeries, including, but not limited to, C4-T2 posterior fusion and reduction of C6-C7 distraction injury, right LeFort I open reduction internal fixation surgery, left LeFort II open reduction internal fixation surgery, tracheostomy, nasal sinus endoscopy with maxillary antrostomy and maxillary tissue removal, intraoperative cholangiogram, open cholecystectomy and left tube thoracostomy. The Plaintiff's injuries are likely permanent

in nature and will require additional medical care and treatment in the future.

Furthermore, the Plaintiff suffered and will in the future continue to suffer great physical and mental pain, and has been and will in the future be unable to participate in many of the activities in which he engaged prior to said collision.

7. As a further result of the reckless conduct and statutory violations of the Defendant, Sophia Thielman, the Plaintiff was required to spend various sums of money for emergency medical care and treatment, surgery, hospitalization, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, diagnostic studies including x-rays, CT scans and MRIs and prescription medications and devices and will be obliged to spend further additional sums in the future for like services, all to his loss and damage.

8. As a further result of the reckless conduct and statutory violations of the Defendant, Sophia Thielman, the Plaintiff suffers an increased risk of future harm in that he has a greater susceptibility to further injury from trauma that may occur along with accompanying anxiety and fear in that regard.

9. As a further result of the reckless conduct and statutory violations of the Defendant, Sophia Thielman, the Plaintiff sustained permanent and disfiguring scarring

which has caused and will in the future continue to cause him great humiliation and embarrassment

10. At all times mentioned herein, the Plaintiff was gainfully employed and as a further result of said incident and the injuries resulting therefrom the Plaintiff suffered economic loss in the form of past and future lost wages.

THIRD COUNT: (Common Law Recklessness as to Defendant Sophia Thielman)

1-3. Paragraphs One (1) through Three (3) of the First Count are hereby incorporated as Paragraphs One (1) through Three (3) of this the Third Count as if more fully set forth herein.

4. Said collisions and resulting injuries and damages to the Plaintiff were caused by the reckless conduct and statutory violations of the Defendant, Sophia Thielman, in one or more of the following ways, in that she:

- a. Operated her motor vehicle while under the influence of alcohol and/or drugs at a high rate of speed, yet chose to proceed anyway when she knew of the risk and extreme danger said conduct posed to others, including the Plaintiff;
- b. Operated her motor vehicle while under the influence of alcohol and/or drugs while under the age of 21 at a high rate of speed, yet chose to proceed anyway when she knew of the risk and extreme danger said conduct posed to others, including the Plaintiff;
- c. Operated her motor vehicle with conscious disregard for the safety of

others, including the Plaintiff, by accelerating her motor vehicle at a high rate of speed towards a moped driving in front of her, while under the influence of alcohol and/or drugs, yet chose to proceed anyway when she knew or should have known of the risk and extreme danger said conduct posed to others, including the Plaintiff;

- d. Operating her motor vehicle with conscious disregard for the safety of others, including the Plaintiff, by accelerating her motor vehicle to a speed of 87 miles per hour in an area with a posted speed limit of 45 miles per hour towards a moped driving in front of her, yet chose to proceed anyway when she knew or should have known of the risk and extreme danger said conduct posed to others, including the Plaintiff; and
- e. Operated her motor vehicle in a reckless and dangerous manner without having due regard to the width, traffic, and use of the roadway by choosing to look away from the road to operate a cellular telephone, and/or other electronic device in her hand knowing she was driving towards a moped at a high rate of speed while under the influence of alcohol and/or drugs, yet chose to proceed anyway placing the Plaintiff in extreme danger.

5. Said reckless conduct was a substantial factor in causing said collision and the Plaintiff's injuries and damages that resulted therefrom.

6. As a result of the reckless conduct of the Defendant, Sophia Thielman, the Plaintiff sustained severe and permanent injuries to his body, including, but not limited to, quadriplegia, C6-7 retrolisthesis with spinal cord injury, C6 right transverse process vertebral foramen and right lamina fracture, C7 spinous process fracture, C6-C7 distraction injury, spinal cord contusion at C4-T1 with intramedullary hemorrhage, epidural hematoma, right hemi-LeFort I fracture, left hemi-LeFort II Fracture, left orbital

fracture, right anterior and medial maxillary wall fractures, closed maxillary sinus fracture, grade 2 splenic laceration, grade 2 laceration to the liver, grade 2 pancreatic head/neck injury, comminuted fractures of the left and right nasal bones and nasal bridge, left first rib fracture, left pneumothorax, multiple facial bone fractures, forehead degloving and laceration, and multiple contusions and abrasions. As a result of these injuries, the Plaintiff was required to undergo emergency medical care and treatment, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, and diagnostic studies including x-rays, CT scans and MRIs. The Plaintiff was also hospitalized and required to undergo multiple surgeries, including, but not limited to, C4-T2 posterior fusion and reduction of C6-C7 distraction injury, right LeFort I open reduction internal fixation surgery, left LeFort II open reduction internal fixation surgery, tracheostomy, nasal sinus endoscopy with maxillary antrostomy and maxillary tissue removal, intraoperative cholangiogram, open cholecystectomy and left tube thoracostomy. The Plaintiff's injuries are likely permanent in nature and will require additional medical care and treatment in the future. Furthermore, the Plaintiff suffered and will in the future continue to suffer great physical and mental pain, and has been

and will in the future be unable to participate in many of the activities in which he engaged prior to said collision.

7. As a further result of the reckless conduct of the Defendant, Sophia Thielman, the Plaintiff was required to spend various sums of money for emergency medical care and treatment, surgery, hospitalization, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, diagnostic studies including x-rays, CT scans and MRIs and prescription medications and devices and will be obliged to spend further additional sums in the future for like services, all to his loss and damage.

8. As a further result of the reckless conduct of the Defendant, Sophia Thielman, the Plaintiff suffers an increased risk of future harm in that he has a greater susceptibility to further injury from trauma that may occur along with accompanying anxiety and fear in that regard.

9. As a further result of the reckless conduct of the Defendant, Sophia Thielman, the Plaintiff sustained permanent and disfiguring scarring which has caused and will in the future continue to cause him great humiliation and embarrassment

10. At all times mentioned herein, the Plaintiff was gainfully employed and as a further result of said incident and the injuries resulting therefrom the Plaintiff suffered economic loss in the form of past and future lost wages.

FOURTH COUNT: (Negligence as to the Defendant, Connecticut College)

1. On or about November 21 and November 22, 2016, and at all times mentioned herein, the Defendant Connecticut College was a non-stock entity organized and existing under the laws of the State of Connecticut operating as a private liberal arts college with a campus in New London, Connecticut.

2. On or about November 21 and November 22, 2016, and at all times mentioned herein, the Defendant Connecticut College, by and through its agents, apparent agents, servants and/or employees, owned, operated, managed, controlled and/or maintained a private college located at 270 Mohegan Avenue in New London, Connecticut.

3. At all times mentioned herein, the Defendant, Sophia Thielman, was a student enrolled at the Defendant Connecticut College and living on campus property in a dormitory owned, operated, managed, controlled and/or maintained by the Defendant Connecticut College through its agents, apparent agents, servants and/or employees.

4. On or about November 21 and November 22, 2016, and at all times mentioned herein, the Defendant Connecticut College, by and through its agents, apparent agents, servants and/or employees, was responsible for the supervision of the students living in the dormitories located on campus property, including the Defendant, Sophia Thielman.

5. On or about the evening of November 21 and early morning of November 22, 2016, the Defendant, Sophia Thielman, consumed large quantities of alcohol and/or drugs in a dormitory room located on the property of and owned, operated, managed, controlled and/or maintained by the Defendant Connecticut College.

6. At the time the Defendant Sophia Thielman consumed said alcohol and/or drugs, she was under the age of 21.

7. On or about November 21 and/or November 22, 2016, after consuming said alcohol and/or drugs in a dormitory room on the property of the Defendant Connecticut College, the Defendant Sophia Thielman operated a motor vehicle on Mohegan Avenue, adjacent to and in the immediate vicinity of the Defendant Connecticut College.

8. On or about the evening of November 21 and/or early morning of November 22, 2016, while operating said motor vehicle on Mohegan Avenue in New

London, Connecticut, the Defendant Sophia Thielman suddenly and without warning drove her motor vehicle directly into the rear of the Plaintiff's moped, causing a collision while in an intoxicated and/or impaired state.

9. Said collision and the resulting injuries and damages to the Plaintiff were caused by the negligence and carelessness of the Defendant, Connecticut College, by and through its agents, apparent agents, servants and/or employees in one or more of the following ways, in that they:

- a. Failed to institute an acceptable alcohol and drug education program for its students under the age of 21 when it knew or should have known that underage alcohol and drug consumption was rampant at the Defendant College;
- b. Encouraged Connecticut College students to purchase alcohol and bring said alcohol and/or drugs into dormitories for consumption by "turning a blind eye" to illegal alcohol and/or drug consumption inside dormitory rooms;
- c. Failed to enforce its policies regarding underage alcohol and/or drug consumption on campus by reasonable and adequate sanctions, including fine, suspension and/or expulsion, thereby allowing drug and alcohol abuse to proliferate on campus;
- d. Allowed students under the age of 21, including the Defendant, Sophia Thielman, to consume alcohol and/or in dormitories located on Connecticut College property;
- e. Failed to have policies in place regarding the consuming of alcohol and/or drugs by students under the age of 21 in dormitories located on Connecticut College property;

- f. Failed to enforce policies regarding the consuming of alcohol and/or drugs by students under the age of 21 in dormitories located on Connecticut College property;
- g. Allowed Connecticut College students, including the Defendant, Sophia Thielman, to purchase alcohol and/or drugs and bring them into dormitories located on Connecticut College property;
- h. Allowed Connecticut College students under the age of 21, including the Defendant, Sophia Thielman, to purchase alcohol and/or drugs and bring them into dormitories located on Connecticut College property;
- i. Failed to make proper and reasonable inspections of the dormitories located on Connecticut College property to ensure that there were no persons under the age of 21, including the Defendant, Sophia Thielman, consuming alcohol and/or drugs;
- j. Failed to warn students, including those under the age of 21 such as the Defendant, Sophia Thielman, of the dangers of operating a motor vehicle under the influence of alcohol and/or drugs;
- k. Failed to warn students, including those under the age of 21 such as the Defendant, Sophia Thielman, of the dangers of operating a motor vehicle under the influence of alcohol and/or drugs, including but not limited to causing bodily injuries to other motor vehicle operators, passengers and/or pedestrians;
- l. Failed to have competent staff and/or personnel present in the dormitories located on Connecticut College property to ensure that there were no persons under the age of 21, including the Defendant, Sophia Thielman, consuming alcohol and/or drugs;
- m. Allowed students, including those under the age of 21 such as the Defendant, Sophia Thielman, to consume drugs and/or alcohol in

dormitories located on Connecticut College property and then leave the campus and operate a motor vehicle;

- n. Failed to have adequate security policies and procedures in place regarding students entering and leaving campus property in a motor vehicle to ensure that students were not operating motor vehicles while under the influence of alcohol and/or drugs;
- o. Failed to enforce security policies and procedures regarding students entering and leaving campus property in a motor vehicle to ensure that students were not operating motor vehicles while under the influence of alcohol and/or drugs;
- p. Failed to have security personnel in place at the entrances and exits to the Connecticut College campus to ensure that persons entering and exiting the campus while operating a motor vehicle, including students under the age of 21 such as the Defendant Sophia Thielman, were not operating motor vehicles while under the influence of alcohol and/or drugs;
- q. Failed to have policies in place regarding the consuming of alcohol and/or drugs by students, including those under the age of 21 such as the Defendant Sophia Thielman, in dormitories located on Connecticut College property and then leaving Connecticut College while operating a motor vehicle; and
- r. Failed to enforce policies regarding the consuming of alcohol and/or drugs by students, including those under the age of 21 such as the Defendant Sophia Thielman, in dormitories located on Connecticut College property and then leaving Connecticut College while operating a motor vehicle.

10. As a result of the negligence and carelessness of the Defendant, Connecticut College, the Plaintiff sustained severe and permanent injuries to his body, including, but not limited to, quadriplegia, C6-7 retrolisthesis with spinal cord injury, C6

right transverse process vertebral foramen and right lamina fracture, C7 spinous process fracture, C6-C7 distraction injury, spinal cord contusion at C4-T1 with intramedullary hemorrhage, epidural hematoma, right hemi-LeFort I fracture, left hemi-LeFort II Fracture, left orbital fracture, right anterior and medial maxillary wall fractures, closed maxillary sinus fracture, grade 2 splenic laceration, grade 2 laceration to the liver, grade 2 pancreatic head/neck injury, comminuted fractures of the left and right nasal bones and nasal bridge, left first rib fracture, left pneumothorax, multiple facial bone fractures, forehead degloving and laceration, and multiple contusions and abrasions. As a result of these injuries, the Plaintiff was required to undergo emergency medical care and treatment, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, and diagnostic studies including x-rays, CT scans and MRIs. The Plaintiff was also hospitalized and required to undergo multiple surgeries, including, but not limited to, C4-T2 posterior fusion and reduction of C6-C7 distraction injury, right LeFort I open reduction internal fixation surgery, left LeFort II open reduction internal fixation surgery, tracheostomy, nasal sinus endoscopy with maxillary antrostomy and maxillary tissue removal, intraoperative cholangiogram, open cholecystectomy and left tube thoracostomy. The Plaintiff's injuries are likely permanent

in nature and will require additional medical care and treatment in the future.

Furthermore, the Plaintiff suffered and will in the future continue to suffer great physical and mental pain, and has been and will in the future be unable to participate in many of the activities in which he engaged prior to said collision.

11. As a further result of the negligence and carelessness of the Defendant, Connecticut College, the Plaintiff was required to spend various sums of money for emergency medical care and treatment, surgery, hospitalization, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, diagnostic studies including x-rays, CT scans and MRIs and prescription medications and devices and will be obliged to spend further additional sums in the future for like services, all to his loss and damage.

12. As a further result of the negligence and carelessness of the Defendant, Connecticut College, the Plaintiff suffers an increased risk of future harm in that he has a greater susceptibility to further injury from trauma that may occur along with accompanying anxiety and fear in that regard.

13. As a further result of the negligence and carelessness of the Defendant, Connecticut College, the Plaintiff sustained permanent and disfiguring scarring which

has caused and will in the future continue to cause him great humiliation and embarrassment.

14. At all times mentioned herein, the Plaintiff was gainfully employed and as a further result of said incident and the injuries resulting therefrom the Plaintiff suffered economic loss in the form of past and future lost wages.

FIFTH COUNT: (Public Nuisance as to the Defendant, Connecticut College)

1-8. Paragraphs One (1) through Eight (8) of the Fourth Count are hereby incorporated and made Paragraphs (1) through Eight (8) of this the Fifth Count as if more fully set forth herein.

9. Said collision and the resulting injuries and damages to the Plaintiff were caused by the creation and/or maintenance of a public nuisance by the Defendant, Connecticut College, by and through its agents, apparent agents, servants and/or employees in one or more of the following ways, in that they:

- a. Allowed students under the age of 21 to maintain or operate cars on or near campus when they knew or should have known that those students would operate those vehicle while in an impaired state after consuming alcohol and/or drugs on campus;
- b. Failed to follow recommendations by the New London Police Department regarding allowing students under the age of 21 to maintain or operate cars on or near campus when they knew or should have known that those students were likely to become impaired or intoxicated and then operate motor vehicles in the vicinity of the Connecticut College campus;

- c. Ignored recommendations by the New London Police Department regarding allowing students under the age of 21 to maintain or operate cars on or near campus when they knew or should have known that those students were likely to become impaired or intoxicated and then operate motor vehicles in the vicinity of the Connecticut College campus;
- d. Failed to follow recommendations by the New London Police Department regarding allowing students, including those under the age of 21, to consume alcohol and/or drugs in dormitories located on Connecticut College property;
- e. Ignored recommendations by the New London Police Department regarding allowing students, including those under the age of 21, to consume alcohol and/or drugs in dormitories located on Connecticut College property;
- f. Failed to institute an acceptable alcohol and drug education program for its students under the age of 21 when it knew or should have known that underage alcohol and drug consumption was rampant at the Defendant College;
- g. Encouraged Connecticut College students to purchase alcohol and bring said alcohol and/or drugs into dormitories for consumption by "turning a blind eye" to illegal alcohol and/or drug consumption inside dormitory rooms;
- h. Failed to enforce its policies regarding underage alcohol and/or drug consumption on campus by reasonable and adequate sanctions, including fine, suspension and/or expulsion, thereby allowing drug and alcohol abuse to proliferate on campus;
- i. Allowed students under the age of 21, including the Defendant, Sophia Thielman, to consume alcohol and/or in dormitories located on Connecticut College property;

- j. Failed to have policies in place regarding the consuming of alcohol and/or drugs by students under the age of 21 in dormitories located on Connecticut College property;
- k. Failed to enforce policies regarding the consuming of alcohol and/or drugs by students under the age of 21 in dormitories located on Connecticut College property;
- l. Allowed Connecticut College students, including the Defendant, Sophia Thielman, to purchase alcohol and/or drugs and bring them into dormitories located on Connecticut College property;
- m. Allowed Connecticut College students under the age of 21, including the Defendant, Sophia Thielman, to purchase alcohol and/or drugs and bring them into dormitories located on Connecticut College property;
- n. Failed to make proper and reasonable inspections of the dormitories located on Connecticut College property to ensure that there were no persons under the age of 21, including the Defendant, Sophia Thielman, consuming alcohol and/or drugs;
- o. Failed to warn students, including those under the age of 21 such as the Defendant, Sophia Thielman, of the dangers of operating a motor vehicle under the influence of alcohol and/or drugs;
- p. Failed to warn students, including those under the age of 21 such as the Defendant, Sophia Thielman, of the dangers of operating a motor vehicle under the influence of alcohol and/or drugs, including but not limited to causing bodily injuries to other motor vehicle operators, passengers and/or pedestrians;
- q. Failed to have competent staff and/or personnel present in the dormitories located on Connecticut College property to ensure that there were no persons under the age of 21, including the Defendant, Sophia Thielman, consuming alcohol and/or drugs;

- r. Allowed students, including those under the age of 21 such as the Defendant, Sophia Thielman, to consume drugs and/or alcohol in dormitories located on Connecticut College property and then leave the campus and operate a motor vehicle;
 - s. Failed to have adequate security policies and procedures in place regarding students, especially those under the age of 21, entering and leaving campus property in a motor vehicle to ensure that students were not operating motor vehicles while under the influence of alcohol and/or drugs;
 - t. Failed to enforce security policies and procedures regarding students, especially those under the age of 21, entering and leaving campus property in a motor vehicle to ensure that students were not operating motor vehicles while under the influence of alcohol and/or drugs;
 - u. Failed to have security personnel in place at the entrances and exits to the Connecticut College campus to ensure that persons entering and exiting the campus while operating a motor vehicle, including students under the age of 21 such as the Defendant Sophia Thielman, were not operating motor vehicles while under the influence of alcohol and/or drugs;
 - v. Failed to have policies in place regarding the consuming of alcohol and/or drugs by students, including those under the age of 21 such as the Defendant Sophia Thielman, in dormitories located on Connecticut College property and then leaving Connecticut College while operating a motor vehicle; and
 - w. Failed to enforce policies regarding the consuming of alcohol and/or drugs by students, including those under the age of 21 such as the Defendant Sophia Thielman, in dormitories located on Connecticut College property and then leaving Connecticut College while operating a motor vehicle.
10. All or some of the actions of the Defendant, Connecticut College, by and through its agents, servants and/or employees, as aforesaid, had a natural tendency to

create danger and inflict injury upon the Plaintiff, and other members of the public similarly situated.

11. The above danger was a continuing one that was created and/or maintained by the intentional and/or unreasonable actions of the Defendant, Connecticut College, as aforesaid, by and through its agents, apparent agents, servants and/or employees, and interfered with the exercise of a right common to the general public by the Plaintiff.

12. As a result of said public nuisance, the Plaintiff sustained severe and permanent injuries to his body, including, but not limited to, quadriplegia, C6-7 retrolisthesis with spinal cord injury, C6 right transverse process vertebral foramen and right lamina fracture, C7 spinous process fracture, C6-C7 distraction injury, spinal cord contusion at C4-T1 with intramedullary hemorrhage, epidural hematoma, right hemi-LeFort I fracture, left hemi-LeFort II Fracture, left orbital fracture, right anterior and medial maxillary wall fractures, closed maxillary sinus fracture, grade 2 splenic laceration, grade 2 laceration to the liver, grade 2 pancreatic head/neck injury, comminuted fractures of the left and right nasal bones and nasal bridge, left first rib fracture, left pneumothorax, multiple facial bone fractures, forehead degloving and laceration, and multiple contusions and abrasions. As a result of these injuries, the

Plaintiff was required to undergo emergency medical care and treatment, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, and diagnostic studies including x-rays, CT scans and MRIs. The Plaintiff was also hospitalized and required to undergo multiple surgeries, including, but not limited to, C4-T2 posterior fusion and reduction of C6-C7 distraction injury, right LeFort I open reduction internal fixation surgery, left LeFort II open reduction internal fixation surgery, tracheostomy, nasal sinus endoscopy with maxillary antrostomy and maxillary tissue removal, intraoperative cholangiogram, open cholecystectomy and left tube thoracostomy. The Plaintiff's injuries are likely permanent in nature and will require additional medical care and treatment in the future. Furthermore, the Plaintiff suffered and will in the future continue to suffer great physical and mental pain, and has been and will in the future be unable to participate in many of the activities in which he engaged prior to said collision.

13. As a further result of said public nuisance, the Plaintiff was required to spend various sums of money for emergency medical care and treatment, surgery, hospitalization, occupational therapy, physical therapy, orthopedic treatment, neurological treatment, neurosurgical treatment, otolaryngological treatment, counseling, rehabilitative care, diagnostic studies including x-rays, CT scans and MRIs

and prescription medications and devices and will be obliged to spend further additional sums in the future for like services, all to his loss and damage.

14. As a further result of said public nuisance, the Plaintiff suffers an increased risk of future harm in that he has a greater susceptibility to further injury from trauma that may occur along with accompanying anxiety and fear in that regard.


15. As a further result of the said public nuisance, the Plaintiff sustained permanent and disfiguring scarring which has caused and will in the future continue to cause him great humiliation and embarrassment.

16. At all times mentioned herein, the Plaintiff was gainfully employed and as a further result of said incident and the injuries resulting therefrom the Plaintiff suffered economic loss in the form of past and future lost wages.

WHEREFORE, the Plaintiff claims:

1. Fair, just and reasonable money damages;
2. Punitive and exemplary damages;
3. Double or treble damages pursuant to §14-295 of the Connecticut General Statutes; and
4. Attorneys' fees and costs.

THE PLAINTIFF

By 
Matthew H. Zucker, Esq
THE REARDON LAW FIRM, P.C.
His Attorneys

RETURN DATE: DECEMBER 12, 2017

CHESEBRO, ZACHARY : SUPERIOR COURT


V. : J.D. OF NEW LONDON
: AT NEW LONDON

THIELMAN, SOPHIA,
THIELMAN, MELINDA AND
CONNECTICUT COLLEGE : NOVEMBER 14, 2017

STATEMENT OF AMOUNT IN DEMAND

The amount in demand is greater than Fifteen Thousand and No/100
(\$15,000.00) Dollars, exclusive of interest and costs, pursuant to Section 52-91 of the
Connecticut General Statutes.

THE PLAINTIFF

By 

Matthew H. Zucker, Esq.
THE REARDON LAW FIRM, P.C.
His Attorneys

THE REARDON LAW FIRM, P.C.
Attorneys at Law

160 Hempstead Street • P.O. Drawer 1430 • New London, CT 06320 • Tel. (860) 442-0444 • Juris No. 102515